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Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

New international humanitarian order

Report of the Secretary-General**

Summary

The present report has been prepared pursuant to General Assembly resolution 59/171. It examines five key issues that are cornerstones for contemporary humanitarian action around the world: (a) prevention; (b) access to people in need; (c) the right to humanitarian assistance; (d) local capacity-building; and (e) burden-sharing. In addition, the report identifies humanitarian issues that need greater attention at the international level and proposes practical recommendations for the future.

* A/61/150

** The report was submitted late, as input from external partners was made available to the Secretariat after the deadline.

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I. Introduction

1. In paragraph 11 of its resolution 59/171, the General Assembly invited Member States, the Office for the Coordination of Humanitarian Affairs of the Secretariat, relevant entities of the United Nations system and intergovernmental and non-governmental organizations, including the Independent Bureau for Humanitarian Issues, to reinforce activities and cooperation so as to continue to develop an agenda for humanitarian action. In paragraph 12, the Assembly requested the Secretary-General to support the process of developing an agenda for humanitarian action and to report to the General Assembly at its sixty-first session on the overall progress made. The present report is submitted in compliance with that request.

2. In the last report of the Secretary-General on the matter (A/59/554), which led to resolution 59/171, it was mentioned that the Independent Bureau for Humanitarian Issues, which had helped initiate and pursue the concept of the proposed agenda, would be involved in developing it further and would assist in the implementation process. The present report is prepared in line with the proposed agenda and deals with five key issues that are cornerstones for contemporary humanitarian action around the world: (a) prevention; (b) access to people in need; (c) the right to humanitarian assistance; (d) local capacity-building; and (e) burden-sharing. In addition, there is mention in the report of humanitarian issues that need greater attention at the international level on account of their impact on vulnerable groups. Finally, replies received from Governments and from the Independent Bureau for Humanitarian Issues on the new international humanitarian order are contained in the annex to the report.

II. Five key issues

A. Prevention

3. Prevention is better than cure. It saves lives, reduces suffering, diminishes vulnerability and, consequently, can make emergency operations redundant. Preventive measures are most effective if launched at the outset of an escalating situation or as early as possible in a situation potentially requiring humanitarian action. In the case of man-made disasters, the neighbouring countries, in particular, and the outside world, in general, may know about a situation before it escalates into a humanitarian emergency. The situation is rather different in most cases of natural disasters. However, the remedy for both categories requires the establishment of early warning systems at the national and regional levels, connected with an operational unit at the national level as well as within the United Nations and existing regional bodies. International relief assistance should adequately supplement national efforts.

B. Access to people in need

4. The question of access to the needy is an essential part of the role of the United Nations as well as regional organizations. In recent decades, the lack of access has led to the deaths or change of residence of millions of people. Speedy

and timely access of humanitarian agencies, whether intergovernmental or non-governmental, is essential for effective action. A declaration relating to basic tenets of humanitarian action in emergency situations, which includes provisions for timely access, was contained in the annex to document A/60/627. Its adoption by the General Assembly will facilitate speedy and effective action at the national and regional levels and facilitate timely action by the international community.

C. Right to humanitarian assistance

5. The issue of the right to humanitarian assistance has remained a debatable point despite the fact that reference is made to it in article 25 of the Universal Declaration of Human Rights of 1948 as well as in article 11 of the International Covenant on Economic, Social and Cultural Rights of 1966. The former grants everyone the right to a standard of living adequate for the health and well-being of the person and the family, while the latter recognizes the right of everyone to an adequate level of living, including food, clothing and housing and the continuous improvement of living conditions. Article 11 further obligates States to take appropriate measures to ensure the realization of this right and recognizes that international cooperation on a voluntary basis is of paramount importance.

6. The right to humanitarian assistance depends entirely on the timely and careful identification and evaluation of actual needs. The assistance itself should be designed and monitored regularly, following a thorough assessment of needs, which should be comprehensive and multisectoral, and must be based on the participation of all involved parties as well as external experts recruited from the global research community.

D. Local capacity-building

7. Humanitarian action can be more effective and successful if there are local support entities and a structure behind it. No emergency situation can be fully alleviated without the involvement of local communities, nor can international humanitarian agencies operate effectively without the support of local staff and local people. However, where local capacities are weak or partially non-existent as a result of an emergency, humanitarian action must engage in building local capacity from the outset in emergency-prone areas as an integral part of humanitarian assistance. The employment-generating capacity at the local government level can be increased through the provision of training and will thereby enhance humanitarian efforts.

8. A sound local capacity-building programme not only helps ensure the preparedness of the affected communities and countries, but also strengthens local structures during emergencies and accelerates the process of normalization. At the same time, it enables the local communities to handle future emergencies on their own and to reduce loss of life and property.

E. Burden-sharing

9. The United Nations functions in accordance with the principle of burden-sharing, with Member States contributing financially according to their relative ability to pay. Burden-sharing applies to all humanitarian actions and related operational activities on a voluntary basis in accordance with the principle contained in article 11 of the International Covenant on Economic, Social and Cultural Rights. It is still a fundamental aspect of the global development process and will remain so in the context of United Nations efforts to achieve the Millennium Development Goals. In view of the fact that colossal disasters, man-made or natural, can strike in all parts of the world, burden-sharing in humanitarian action is an essential international requirement. Consequently, it is crucial for the United Nations that burden-sharing be institutionalized as the sine qua non practice at the international level. It would strengthen and consolidate policies of international cooperation.

III. Humanitarian issues: recommendations for the future

10. In the United Nations system, the specialized agencies and subsidiary organs have been dealing with a series of humanitarian issues ever since the establishment of the system. Developments in recent years call for further strengthening of the system. For instance, the man-made and natural disasters that have led to a series of emergencies around the world call for the reinforcement and adjustment of humanitarian action. The ongoing efforts call for international support.

11. During the present decade, disasters such as floods and earthquakes, which have affected millions of persons, have required gigantic relief efforts. In this specific context, the armed forces have also played a useful role in assisting victims. In view of the fact that armies require a large part of the national budget, it would be useful if research could be undertaken on the role of armed forces in socio-economic development, as stated in document A/59/554.

12. Moreover, it would be useful to analyse further the transition from relief to development so that efforts during emergencies could also lead to concrete efforts for durable development. Likewise, it would be useful to investigate the nexus between human rights and humanitarian issues — a matter that would be of interest, inter alia, to the recently established Council for Human Rights.

13. There are also some emerging humanitarian problems which need to be identified and analysed for constructive international action. For example, the number of internally displaced persons has grown bigger than the number of refugees, however the needs of internally displaced persons have not been met to a satisfactory extent outside national efforts. Likewise, the number of beggars and street children is increasing, particularly in the Third World. At the same time, terrorism as well as internal conflicts are creating more and more victims. There is a need to analyse and seek solutions to humanitarian problems being faced in many parts of the world. At the same time, efforts should be made at the international level to reduce poverty and solve problems being faced by countries in the Third World. In short, it is high time to promote a new international humanitarian order, a subject which has been on the agenda of the General Assembly for quite a few years.

Annex

Replies received from Governments and from the Independent Bureau for Humanitarian Issues

Bosnia and Herzegovina

1. The Government of Bosnia and Herzegovina fully recognizes and supports the need to promote a new international humanitarian order. On the basis of its own experience, efforts can be made also to promote peace and encourage the prevention of conflicts. In this context, the United Nations peacebuilding efforts have an important role. Likewise, United Nations activities in the humanitarian field benefit millions of people on all continents. In line with United Nations policies, considerable efforts have been made in recent years, in Bosnia and Herzegovina in the field of the repatriation and rehabilitation of refugees.

2. Recently, in collaboration with the Independent Bureau for Humanitarian Issues, the Permanent Mission of Bosnia and Herzegovina to the United Nations in New York arranged, through the President of the General Assembly, the official issuance of a draft declaration relating to basic tenets of humanitarian action in emergency situations (A/60/627, annex).

3. The Independent Bureau for Humanitarian Issues prepared a research paper containing an explanation of each of the 30 articles of the draft declaration, which was circulated to all permanent missions to the United Nations in New York by the Permanent Mission of Bosnia and Herzegovina at the end of July 2006. The research paper was prepared in order to facilitate the adoption of the declaration by the General Assembly in view of the fact that there is an increasing number of natural and man-made disasters in the world.

Jordan

1. The Hashemite Kingdom of Jordan, in its last contribution to the report of the Secretary-General relating to the promotion of a new international humanitarian order (A/59/554), had specifically mentioned that it remains "tenacious in its efforts to identify humanitarian problems facing the country and the region and in seeking solutions to them" and that "one of the major challenges in the region continues to be the problem of refugees". Unfortunately, the present situation in the Middle East, owing to the conflict in Lebanon, makes these Jordanian statements much more relevant than before. In this context, it is appropriate to quote here what has already been stated by Jordan in the above-mentioned document:

> "Armed conflicts between and within States have made the need for durable peace more urgent. It is important to recall in this connection that in one of its earlier contributions to the reports of the Secretary-General, the Jordanian Government pointed out on the basis of the experience of various countries around the world that peace is durable not when it is achieved only through negotiations but, above all, when it is built and consolidated at the grass-roots level."

2. There is no doubt that it would be most appropriate for the United Nations to develop and advance a humanitarian order more suitable for dealing with natural and man-made disasters. In its recent meeting, the Economic and Social Council dealt with the strengthening of the coordination of emergency humanitarian assistance of the United Nations. Likewise, the proposal made for the benefit of field staff and field work regarding humanitarian action in emergency situations, proposed recently by Bosnia and Herzegovina in collaboration with the Independent Bureau for Humanitarian Issues, will be most useful when the related declaration is adopted by the General Assembly.

The Independent Bureau for Humanitarian Issues

1. The Independent Bureau for Humanitarian Issues (IBHI) has been involved in the promotion of the new international humanitarian order since its inception in 1988. In line with the last report on the issue (A/59/554), it has been actively supporting the suggested agenda for humanitarian action in response to General Assembly resolution 59/171 and is elaborating the constituent elements to form the nucleus of the agenda. IBHI is, at the same time, promoting the implementation of crucial recommendations by its predecessor body: the Independent Commission on International Humanitarian Issues. In this context, IBHI has been involved in preparing the draft declaration relating to basic tenets of humanitarian action in emergency situations, brought to the attention of the States Members of the United Nations by the President of the Assembly (document A/60/627, annex) and has prepared a detailed research paper which explains the provisions of all the articles. The paper was distributed to all the States Members of the United Nations by the Permanent Mission of Bosnia and Herzegovina to the United Nations in advance of the meeting of the Third Committee during the sixty-first session of the Assembly.

2. IBHI is preparing a number of reports concerning the proposed agenda for humanitarian action and related humanitarian issues, as mentioned in its last contribution to the report of the Secretary-General (A/59/554). The Bureau is also determined to bring basic human rights instruments relating to subjects such as women, children and minorities to the knowledge of the general public through the translation, publication and dissemination of such documentation in local and national languages, in view of the fact that more than half of the world's population cannot read documents in most of the official United Nations languages. If people know what their human rights and freedoms are recognized to be, the spirit of democracy would have an additional chance of gaining ground, and vulnerable groups, such as women and minorities, would get a powerful weapon in their struggle for a better life.